

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 28, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Kathy Kelker (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Barry Usher (R)

Members Excused:

Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Casey Knudsen (R)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Kirk Wagoner (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 595, 3/21/2017; HB 632, 3/21/2017; HB 636, 3/21/2017; HB 654, 3/21/2017
Executive Action: HB 600, HB 611, HB 580, HB 581, HB 636, HB 595

HEARING ON HB 636**Opening Statement by Sponsor:**

00:00:33 Rep. Bradley Hamlett (D), HD 23, opened the hearing on HB 636, Revise election laws for supreme court justices.

Proponents' Testimony: None**Opponents' Testimony:**

00:02:44 Al Smith, Montana Trial Lawyers Association (MTLA)

00:05:31 Brian Thompson, Montana Collectors Association

Informational Testimony: None**Questions from Committee Members and Responses:**

00:06:24 Rep. Manzella

00:06:59 Rep. Hamlett

00:07:59 Rep. McConnell

00:08:50 Al Smith, MTLA

00:10:02 Rep. McConnell

00:10:19 Rep. Wagoner and Rep. Sheldon-Galloway joined the meeting

00:10:36 Rep. Hamlett

00:11:57 Rep. Usher

00:12:24 Rep. Hamlett

00:13:11 Chair Doane

00:13:43 Rep. Hamlett

Closing by Sponsor:

00:14:21 Rep. Hamlett

00:15:24 Rep. Mortensen and Rep. C. Knudsen joined the meeting.

HEARING ON HB 595**Opening Statement by Sponsor:**

00:18:18 Rep. Derek Skees (R), HD 11, opened the hearing on HB 595, Constitutional amendment to define person.

Proponents' Testimony:

00:21:19 Jeff Laszloffy, Montana Family Foundation (MFF)

00:22:44 Annie Bukacek, Montana Pro-Life Coalition

[EXHIBIT\(juh64a01\)](#)

00:25:22 Veronika Welzel, Self

00:25:42 Rep. Rosendale

00:26:34 Terry Forke, Lutheran Church Missouri Synod (LRMS)

[EXHIBIT\(juh64a02\)](#)

00:27:14 Rep. Harris and Rep. Morigeau joined the meeting.

00:29:44 Bette Schultz, Self

[EXHIBIT\(juh64a03\)](#)

00:31:33 Victoria LaMaur, Self

[EXHIBIT\(juh64a04\)](#)

00:33:44 Vicki Sallee, Self

[EXHIBIT\(juh64a05\)](#)

00:36:21 Donna Elford, Self

[EXHIBIT\(juh64a06\)](#)

00:40:30 Constance Neumann, Self

[EXHIBIT\(juh64a07\)](#)

00:44:50 Ronalee Skees, Self

00:47:27 Robert Welzel, Self

[EXHIBIT\(juh64a08\)](#)

00:52:45 Garrett Bacon, Self

00:53:13 Gerry, O'Neil, Self

00:54:23 Jim Huff, Self

[EXHIBIT\(juh64a09\)](#)

00:55:46 Henry Williams, Self

[EXHIBIT\(juh64a10\)](#)

00:57:04 Russ Dewell, Self

00:57:25 Carol Kinniburgh, Self

[EXHIBIT\(juh64a11\)](#)

00:57:41 Donna Mahler, Self

00:59:37 Charlotte Komenda, Self

[EXHIBIT\(juh64a12\)](#)

01:03:20 Patrick McCain, Self

01:03:47 Larry Falk, Self

[EXHIBIT\(juh64a13\)](#)

01:04:15 Lori Robinson, Self

[EXHIBIT\(juh64a14\)](#)

01:04:36 Cheri Pross, Self

01:05:13 John O'Neil, Self

[EXHIBIT\(juh64a15\)](#)

01:05:31 Vivian Allen, Self

01:05:53 Charles Lorentzen, Self

[EXHIBIT\(juh64a16\)](#)

01:06:03 Elizabeth Silvert, Self

EXHIBIT(juh64a17)

01:06:40 George Hudson, Self

01:07:34 Ursula Mercado, Self

01:07:45 Gracee Lorentzen, Self

01:07:54 Diane Hoffman, Self

01:08:02 Jill Guthrie, Self

EXHIBIT(juh64a18)

01:08:14 Amber Sutter, Montana Pro-life Coalition

01:08:20 Paul McElroy, Self

01:08:30 Sam Stockham, Self

01:08:42 Debbie Stuck, Self

01:08:58 Phyllis Lamping, Self

01:09:05 Kerry Paulson, Self

01:09:21 Valerie Manolovits, Self

01:09:32 Ed Halland, Self

01:09:42 Elisabeth James, Self

01:09:52 Michael Sutter, Self

01:09:58 Dwight Goble, Self

01:10:10 Kelly Allen, Self

01:10:22 Linda Schoonover, Self

01:10:33 Karen Trettin, Self

01:10:38 Steve Allen, Self

01:10:45 Glenn Haag, Self

01:10:56 Carrollann Welch

01:11:09 Xavier Mercado II, Self

01:11:15 Timothy McNeme, Self

Opponents' Testimony:

01:11:48 SK Rossi, American Civil Liberties Union (ACLU)

01:16:12 Dawn Dockstader, Planned Parenthood Health Center Helena

01:19:53 Aimee Grmoljez, Billings Clinic

01:24:22 Robin Turner, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

01:28:40 Jennifer Hensley, Self

01:31:59 Jules Shindel, Montana Human Rights Network (MHRN)

01:32:28 Jessica Peterson, Nara Pro-Choice Montana

Informational Testimony: None

Questions from Committee Members and Responses:

01:37:05 Rep. Manzella

01:37:39 Annie Bukacek, Montana Pro-Life Coalition

01:38:27 Rep. Kelker

01:39:14 Dawn Dockstader, Planned Parenthood Health Center Helena

01:39:50 Rep. Berglee

01:40:28 Robin Turner, MCADSV

01:40:45 Rep. Bishop

01:41:26 Jessica Peterson, Naral Pro Choice Montana
01:41:45 Rep. Usher
01:42:47 Dawn Dockstader, Planned Parenthood Health Center Helena
01:43:02 Rep. Usher
01:43:39 Jessica Peterson, Naral Pro Choice Montana
01:44:38 Rep. Kelker
01:45:05 Aimee Grmoljez, Billings Clinic
01:47:01 Rep. Court
01:47:36 SK Rossi, ACLU
01:48:04 Rep. Harris
01:48:23 Rep. Bishop
01:48:57 SK Rossi, ACLU
01:50:28 Rep. Sheldon-Galloway
01:51:37 SK Rossi, ACLU

Closing by Sponsor:

01:55:05 Rep. Skees

HEARING ON HB 654**Opening Statement by Sponsor:**

02:07:17 Rep. Bill Harris (R), HD 37, opened the hearing on HB 654, Generally revise sentencing and treatment laws for DUI and drug offenders.

Proponents' Testimony:

02:10:18 Beth Brennehan, Disability Rights Montana

Opponents' Testimony: None**Informational Testimony:**

02:12:35 Adrienne Cotton, Department of Corrections (COR)
02:12:49 Amy Tenney, Boyd Andrew Community Services
02:13:15 Mike Thatcher, Department of Corrections (COR)

Questions from Committee Members and Responses:

02:18:43 Rep. Kelker
02:19:32 Adrienne Cotton, COR
02:19:48 Kevin Olson, Department of Corrections (COR)
02:23:47 Rep. McConnell
02:24:02 Rep. Harris
02:25:01 Rep. McConnell
02:25:58 Kevin Olson, COR
02:26:52 Rep. B. Brown
02:27:58 Rep. Harris
02:32:08 Rep. Wagoner
02:32:28 Rep. Bishop
02:33:16 Mike Thatcher, COR
02:37:38 Rep. Bishop
02:38:12 Amy Tenney, Boyd Andrew Community Services
02:39:14 Chair Doane

02:39:27 Rep. Harris

Closing by Sponsor:

02:42:20 Rep. Harris

HEARING ON HB 632

Opening Statement by Sponsor:

02:44:46 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 632, Revise post conviction relief laws.

Proponents' Testimony:

02:53:29 Toby Cook, Montana Innocence Project

02:59:00 Cody Marble, Self

03:00:11 Rep. Hill Smith joined the meeting.

Opponents' Testimony:

03:01:40 Tammy Hinderman, Department of Justice (DOJ)

03:14:16 Mark Murphy, Montana County Attorneys Association (MCAA)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

03:19:14 Rep. Morigeau

EXECUTIVE ACTION ON HB 600

03:38:39 Helen Thigpen, Legislative Services Division (LSD)

03:39:57 **Motion:** Rep. Berglee moved that **HB 600 DO PASS.**

03:40:04 **Motion:** Rep. M. Regier moved **AMENDMENT HB060002.AHT AND TO CONCEPTUALLY AMEND IT BY STRIKING "DOES NOT" FROM LINE 2B PAGE 1.**

EXHIBIT(juh64a19)

Discussion:

03:40:58 Helen Thigpen, LSD

03:41:26 Chair Doane

03:41:35 Helen Thigpen, LSD

03:42:06 Rep. Court

03:42:22 Rep. Regier

03:43:03 Rep. Court

03:43:28 Rep. McConnell

03:44:14 Jon Bennion, Department of Justice (DOJ)

03:44:50 Rep. Bishop

03:45:41 Rep. Wagoner

03:46:07 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker, Rep. Morigeau, Rep. Perry and Rep. Wagoner voting no. Rep. Eck voted by proxy.

Discussion:

03:47:58 Rep. McConnell
03:48:41 Rep. Usher
03:48:56 Rep. McConnell
03:49:34 Chair Doane
03:49:43 Rep. McConnell
03:50:21 Rep. Court
03:50:45 Helen Thigpen, LSD

03:51:15 **Motion/Vote:** Rep. Bishop moved to **SEGREGATE THE CONCEPTUAL AMENDMENT FROM AMENDMENT HB060002.AHT.** Motion carried unanimously by voice vote. Rep. Eck voted by proxy.

Discussion:

03:51:42 Rep. C. Knudsen
03:52:13 Helen Thigpen, LSD

03:52:35 **Motion/Vote:** Rep. M. Regier moved to **CONCEPTUALLY AMEND AMENDMENT HB060002.AHT BY STRIKING "DOES NOT" FROM LINE 2B PAGE 1** . Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Wagoner voting no. Rep. Eck voted by proxy.

03:53:56 **Motion/Vote:** Rep. Doane moved **AMENDMENT HB 060002.AHT.** Motion carried 16-3 by roll call vote with Rep. C. Knudsen, Rep. McConnell and Rep. Morigeau voting no. Rep. Eck voted by proxy.

(See exhibit 19)

03:55:00 **Motion:** Rep. Berglee moved that **HB 600 DO PASS AS AMENDED.**

03:55:11 Rep Hill Smith
03:55:43 Chair Doane
03:55:47 Rep. Usher
03:56:13 Rep. Sheldon-Galloway
03:57:10 Helen Thigpen, LSD
03:57:44 Rep. McConnell
03:58:01 Chair Doane
03:58:30 Rep. Court
03:58:45 Rep. Regier
03:58:55 Rep. Manzella

03:59:25 **Vote:** Motion carried 11-8 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. C. Knudsen, Rep. Manzella, Rep. Morigeau, Rep. Mortensen, Rep. M. Regier and Rep. Sheldon-Galloway voting no. Rep. Eck voted by proxy.

EXECUTIVE ACTION ON HB 611

04:01:17 Helen Thigpen, LSD

04:01:45 **Motion:** Rep. Berglee moved that **HB 611 DO PASS.**

04:01:56 **Substitute Motion/Vote:** Rep. Court moved that **HB 611 BE TABLED.** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

Discussion:

04:02:54 Rep. Court

04:03:51 Rep. McConnell

04:05:39 Chair Doane

04:05:41 Rep. Wagoner left the meeting.

04:05:43 Rep. Usher

04:07:44 Rep. Bishop

04:09:14 Rep. Harris

04:11:18 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck voted by proxy.

EXECUTIVE ACTION ON HB 580

04:12:24 Helen Thigpen, LSD

04:13:37 Rep. Wagoner joined the meeting.

04:16:50 Chair Doane

04:16:55 **Motion:** Rep. Berglee moved that **HB 580 DO PASS.**

04:17:01 **Motion:** Rep. Usher moved that **HB 580 BE AMENDED.**
EXHIBIT(juh64a20)

Discussion:

04:18:03 Rep. Harris

04:18:41 Rep. Usher

04:19:44 Rep. Harris

04:19:48 Rep. McConnell

04:20:38 Rep. Kelker

04:20:47 **Vote:** Motion carried 15-4 by roll call vote with Rep. B. Brown, Rep. Doane, Rep. C. Knudsen and Rep. Mortensen voting no. Rep. Eck voted by proxy.

04:22:05 **Motion:** Rep. Berglee moved that **HB 580 DO PASS AS AMENDED.**

Discussion:

04:22:06 Helen Thigpen, LSD

04:22:24 Rep. B. Brown

04:22:50 Chair Doane

04:23:02 Rep. Usher

04:23:06 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. Morigeau and Rep. Perry voting aye. Rep. Eck voted by proxy.

04:24:05 **Motion:** Rep. Berglee moved that **HB 580 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 581

04:24:32 **Motion:** Rep. Berglee moved that **HB 581 DO PASS**.

Discussion:

04:24:39 Rep. Regier

04:24:57 Chair Doane

04:25:10 **Vote:** Motion failed 7-12 by roll call vote with Rep. Berglee, Rep. Harris, Rep. Manzella, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Usher voting aye. Rep. Eck voted by proxy.

04:26:15 **Motion:** Rep. Berglee moved that **HB 581 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 636

04:26:29 **Motion:** Rep. Berglee moved that **HB 636 DO PASS**.

04:26:57 Rep. Manzella

04:27:43 Rep. Court

04:28:40 Rep. McConnell

04:29:25 Chair Doane

04:29:55 Rep. Harris

04:30:35 Rep. C. Knudsen

04:30:47 **Vote:** Motion failed 6-13 by roll call vote with Rep. Hill Smith, Rep. Manzella, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. M. Regier voting aye. Rep. Eck voted by proxy.

04:31:46 **Motion:** Rep. Berglee moved that **HB 636 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 595

04:32:02 **Motion/Vote:** Rep. Berglee moved that **HB 595 DO PASS**. Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck voted by proxy.

ADJOURNMENT

Adjournment: 04:33:26

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh64aad.pdf](#))